

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460



EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

December 9, 2019

Return Receipt Requested

Certified Mail#: 7015 3010 0001 1267 1944

In Reply Refer to:

EPA File No: 03D-20-R6

Belinda McCallister
Director
U.S. Equal Employment Opportunity Commission
207 S. Houston Street, 3rd Floor
Dallas, TX 75202

Re: Referral of Administrative Complaint

Dear Ms. McCallister:

The U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) is referring a complaint received November 14, 2019 from Austin Campbell, an attorney representing complainant [REDACTED]. The complaint alleges that the Senior Services of America (SSAI) discriminated against the complainant on the basis of disability by terminating her in July 2019, in violation of Section 504 of the Rehabilitation Act of 1973 (Section 504.)

Pursuant to EPA's nondiscrimination regulation, ECRCO conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. *See* 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. First, the complaint must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

ECRCO has determined that, to the extent that the complaint raises allegations of discrimination against SSAI, EPA has jurisdiction under Section 504 to investigate those claims.¹ However, as

¹ To the extent that the complaint also raises allegations of discrimination on the basis of disability by EPA employees, we have informed the complainant that ECRCO must reject those allegations as ECRCO does not have

described in 28 C.F.R. Part 37.6 "Processing of complaints of employment discrimination filed with an agency other than the EEOC," at Section (c)(2)(i), (and 29 C.F.R. Part 1640), "[a] section 504 agency that otherwise has jurisdiction over a complaint of employment discrimination under section 504 shall promptly refer to the EEOC, for investigation and processing under Title I, [Title I of the Americans with Disabilities Act of 1990 (Title I)] any complaint of employment discrimination that solely alleges discrimination against an individual (and that does not allege discrimination in both employment and in other practices or services of the respondent or a pattern or practice of employment discrimination . . .". As your office may have jurisdiction over this matter under Title I, ECRCO is referring this complaint to your office for appropriate action. We have notified the complainant through her attorney that the complaint is being referred to EEOC and provided your contact information. A copy of our rejection and referral letter as well as the original complaint are enclosed.

Thank you in advance for your assistance. If you have any questions about this correspondence, please contact Dale Rhines, Deputy Director, at (202) 564-4174, by e-mail at rhines.dale@epa.gov or by mail at U.S. EPA External Civil Rights Compliance Office, (Mail Code 2310A), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460.

Sincerely,



Lilian S. Dorka
Director
External Civil Rights Compliance Office
Office of General Counsel

Enclosures

cc: Angelia Talbert-Duarte
Acting Associate General Counsel
Civil Rights & Finance Law Office

Patricia Welton
Regional Counsel
EPA Region 6

David Gray
Deputy Regional Administrator
Deputy Civil Rights Official
EPA Region 6